

BALL JANIK LLP

A T T O R N E Y S

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WASHINGTON, D.C. 20005

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TELEPHONE 202-638-3307  
FACSIMILE 202-783-6947

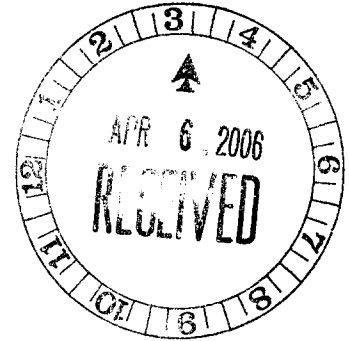
LOUIS E. GITOMER  
Of COUNSEL  
(202) 466-6532

lgitomer@dc.bjllp.com

216192

April 6, 2006

Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Room 700  
Washington, D. C. 20423



RE: Docket No. AB-55 (Sub-No. 665X), *CSX Transportation, Inc. –  
Abandonment Exemption—in Harlan and Letcher Counties, KY*

Dear Secretary Williams:

Enclosed are the original and 10 copies of a Verified Notice of Exemption for abandonment in the above-entitled proceeding and a check for the filing fee of \$3,000. Also enclosed is a computer diskette in containing the Notice.

Please time and date stamp the additional copy of this letter and the Notice and return them with our messenger. Thank you for your assistance.

If you have any questions please call or email me.

Sincerely yours

Louis E. Gitomer  
Attorney for: CSX Transportation, Inc.

FILED

APR 6 2006

Enclosures **RECEIVED**

APR 6 2006

SURFACE  
TRANSPORTATION BOARD

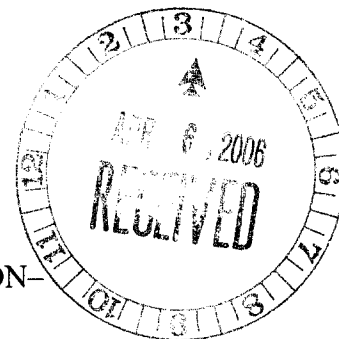
ORIGINAL

BEFORE THE  
SURFACE TRANSPORTATION BOARD

\_\_\_\_\_  
Docket No. AB-55 (Sub-No. 665X)  
\_\_\_\_\_

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—  
IN HARLAN AND LETCHER COUNTIES, KY  
\_\_\_\_\_

VERIFIED NOTICE OF EXEMPTION  
\_\_\_\_\_



Steven Armbrust, Esq.  
CSX Transportation, Inc.  
500 Water Street  
Jacksonville, FL 32202  
(904) 359-1229

Louis E. Gitomer, Esq.  
Ball Janik, LLP  
1455 F Street, NW, Suite 225  
Washington, DC 20005  
(202) 638-3307

Attorneys for: CSX TRANSPORTATION,  
INC.

Dated: April 6, 2006

BEFORE THE  
SURFACE TRANSPORTATION BOARD

\_\_\_\_\_  
Docket No. AB-55 (Sub-No. 665X)  
\_\_\_\_\_

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—  
IN HARLAN AND LETCHER COUNTIES, KY  
\_\_\_\_\_

VERIFIED NOTICE OF EXEMPTION  
\_\_\_\_\_

CSX Transportation, Inc. (“CSXT”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for CSXT to abandon a 12.99-mile rail line on its Southern Region, Huntington Division, West, Cumberland Subdivision, consisting of a portion of the Poor Fork branch between Milepost 0WC 261.1, near Cumberland, and Milepost 0WC 262.3, at Cumberland Junction, and the entire Scotia Branch between Milepost 0WD 262.21, at Cumberland Junction, and Milepost 0WD 274.0, near Scotia at the end of the line, in Harlan and Letcher Counties, Kentucky (the “Line”). No local or overhead rail traffic has moved over the Line during the past two years.

1. Proposed consummation date. The proposed consummation date is May 26, 2006.
2. Certification required by 49 C.F.R. § 1152.50(b). *See* Exhibit A.
3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) General.

- (1) Exact name of applicant. CSX Transportation, Inc.

(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C.

Subtitle IV, Chapter 105. CSXT is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought. CSXT seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon a 12.99-mile rail line on its Southern Region, Huntington Division, West-CV Subdivision, consisting of a portion of the Poor Fork branch between Milepost 0WC 261.1, near Cumberland, and Milepost 0WC 262.3, at Cumberland Junction, and the entire Scotia Branch between Milepost 0WD 262.21, at Cumberland Junction, and Milepost 0WD 274.0, near Scotia at the end of the line, in Harlan and Letcher Counties, Kentucky. The Scot Station is located at Milepost 0WD 27.4.

(4) Map. *See* Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent. Louis E. Gitomer, Ball Janik LLP, 1455 F St., N.W., Suite 225, Washington, DC 20005, (202) 638-3307.

(8) List of all United States Postal Service ZIP Codes that the line proposed for abandonment traverses. The Line traverses ZIP Codes 40823, 40862, and 40826.

(e) Rural and community impact.

(4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which

would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

CSXT believes that the properties proposed for abandonment may be suitable for other purposes, but may be subject to reversionary interests that may affect transfer of title for other than rail purposes.

4. The level of labor protection. The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in Oregon Short Line R. Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979).

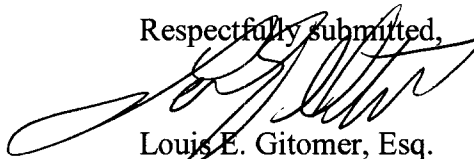
5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.

6. Environmental Report. *See* Exhibit D. Based on information in the possession of CSXT, the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

7. Historic Report. *See* Exhibit E.

Steven Armbrust, Esq.  
CSX Transportation, Inc.  
500 Water Street  
Jacksonville, FL 32202  
(904) 359-1299

Respectfully submitted,



Louis E. Gitomer, Esq.  
Ball Janik, LLP  
1455 F Street, NW, Suite 225  
Washington, DC 20005  
(202) 638-3307

Attorneys for: CSX TRANSPORTATION,  
INC.

Dated: April 6, 2006

## **EXHIBIT A**

**STATE OF FLORIDA** )  
 ) **SS.**  
**COUNTY OF DUVAL** )

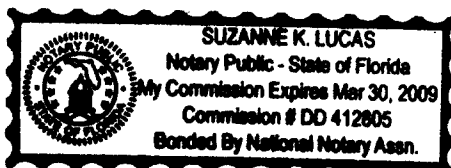
I hereby certify that no local traffic has moved over CSXT's 12.99-mile rail line on its Southern Region, Huntington Division West, Cumberland Valley Subdivision, between Milepost 0WC 261.1 (near Cumberland) to Milepost 0WC 262.3 and Milepost 0WD 262.21 to the end of track at Milepost 0WD 274 (near Scotia), Harlan and Letcher Counties, Kentucky, for at least two years prior to the date hereof, and that any overhead traffic on the line can be rerouted over other lines. Further, no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. The foregoing certification is made on behalf of CSXT by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.

Ellen M. Preslar  
Ellen M. Preslar

SUBSCRIBED AND SWORN TO before me this 9<sup>th</sup> day of March, 2006.

My Commission Expires: \_\_\_\_\_

*Suzanne K. Lucas*  
Notary Public



**EXHIBIT B**

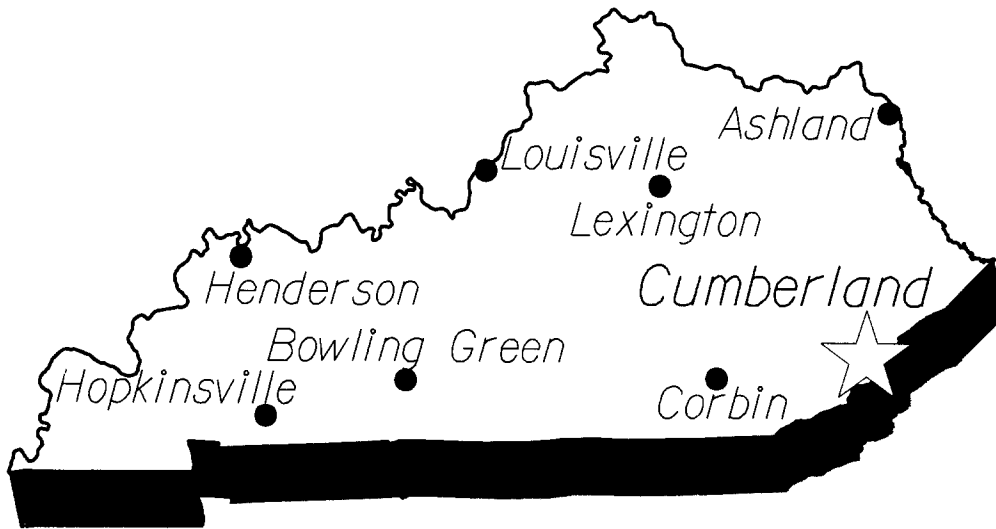
**MAP**







Cumberland, KY



**AREA MAP**

Proposed Abandonment of 12.9 Miles +/-  
STB Docket No. AB 55 - Sub. No. 665X  
Harlan and Letcher Counties, Kentucky

## **EXHIBIT C**

### **CERTIFICATE OF SERVICE**

Pursuant to 49 C.F.R. § 1152.50 (d) (1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 665X) was mailed via first class mail on March 27, 2006, to the following parties:

#### **State Public Service Commission**

Public Service Commission of Kentucky  
211 Sower Boulevard  
Frankfort, KY 40601

#### **Military Traffic Management Command**

MTMCTEA  
ATTN: Railroads for National Defense  
720 Thimble Shoals Blvd.  
Suite 130  
Newport News, VA 23606-2574

#### **National Park Service**

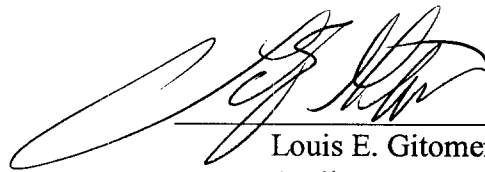
Mr. D. Thomas Ross  
Assistant Director  
U.S. Department of Interior  
National Park Service (Org code 2220)  
Recreation and Conservation  
1849 C Street, NW  
Washington, DC 20240-0001

#### **National Park Service**

U.S. Department of Interior  
National Park Service  
Land Resources Division  
800 North Capitol St., N.E.  
Room 540  
Washington, DC 20002

U.S. Department of Agriculture

U.S. Department of Agriculture  
Chief of the Forest Service  
4th Floor N.W., Auditors' Building  
14th Street and Independence Avenue, S.W.  
Washington, DC 20250

A handwritten signature in black ink, appearing to read 'L. Gitomer', is written over a horizontal line.

Louis E. Gitomer  
April 6, 2006

# BALL JANIK LLP

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FACSIMILE 202-783-6947

LOUIS E. GITOMER  
OF COUNSEL  
(202) 466-6532

lgitomer@dc.bjllp.com

March 27, 2006

MTMCTEA  
ATTN: Railroads for National Defense  
720 Thimble Shoals Blvd.  
Suite 130  
Newport News, VA 23606-2574

RE: Docket No. AB-55 (Sub-No. 665X), *CSX Transportation, Inc.—  
Abandonment Exemption—in Harlan and Letcher Counties, KY*

Dear Sir/Madam:

Please be advised that on or after April 6, 2006, CSX Transportation, Inc. ("CSXT") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon a 12.99-mile rail line on its Southern Region, Huntington Division, West-CV Subdivision, consisting of a portion of the Poor Fork branch between Milepost 0WC 261.1, near Cumberland, and Milepost 0WC 262.3, at Cumberland Junction, and the entire Scotia Branch between Milepost 0WD 262.21, at Cumberland Junction, and Milepost 0WD 274.0, near Scotia at the end of the line, in Harlan and Letcher Counties, Kentucky (the "Line"). Based on information in our possession, the Line does not contain any federally granted right of way. Any documentation in CSXT's possession will be made available promptly to those requesting it.

In connection with the proposed abandonment, Federal Regulations at 49 C.F.R. 1152.50(d)(1) require that we provide you with the following information:

1. Name of railroad. CSX Transportation, Inc.
2. Description of line to be abandoned. CSXT proposes to abandon a 12.99-mile rail line on its Southern Region, Huntington Division, West-CV Subdivision, consisting of a portion of the Poor Fork branch between Milepost 0WC 261.1, near Cumberland, and Milepost 0WC 262.3, at Cumberland Junction, and the entire Scotia Branch between Milepost 0WD 262.21, at Cumberland Junction, and Milepost 0WD 274.0, near Scotia at the end of the line, in Harlan and Letcher Counties, Kentucky. The Line traverses U.S. Postal ZIP Codes 40823, 40862, and 40826.

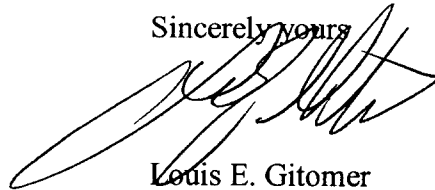
MTMCTEA  
March 27, 2006  
Page 2

3. Abandonment procedure to be followed. CSXT intends to file a Notice of Exemption pursuant to 49 C.F.R. 1152.50. These exemption procedures are applicable to rail lines that have had no local traffic for at least two years and where any overhead traffic can be rerouted. No local traffic has moved over the Line for over two years, and any overhead traffic can be rerouted.

4. Date of filing. CSXT expects to file the Notice of Exemption with the STB on or after April 6, 2006.

A map of the affected area is enclosed. If you have any questions please call or email me.

Sincerely yours

A handwritten signature in black ink, appearing to read 'Louis E. Gitomer', is written over the typed name.

Louis E. Gitomer  
Attorney for: CSX Transportation, Inc.

Enclosures

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LOUIS E. GITOMER  
Of COUNSEL  
(202) 466-6532

lgitomer@dc.bjllp.com

March 27, 2006

Mr. D. Thomas Ross  
Assistant Director  
U.S. Department of Interior  
National Park Service (Org code 2220)  
Recreation and Conservation  
1849 C Street, NW  
Washington, DC 20240-0001

RE: Docket No. AB-55 (Sub-No. 665X), *CSX Transportation, Inc.—  
Abandonment Exemption—in Harlan and Letcher Counties, KY*

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Mr. D. Thomas Ross  
March 27, 2006  
Page 2

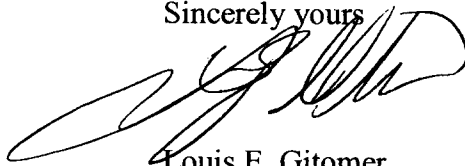
the end of the line, in Harlan and Letcher Counties, Kentucky. The Line traverses U.S. Postal ZIP Codes 40823, 40862, and 40826.

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Louis E. Gitomer  
Attorney for: CSX Transportation, Inc.

Enclosures



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LOUIS E. GITOMER  
Of COUNSEL  
(202) 466-6532

lgitomer@dc.bjllp.com

March 27, 2006

U.S. Department of Interior  
National Park Service  
Land Resources Division  
800 North Capitol St., N.E.  
Room 540  
Washington, DC 20002

RE: Docket No. AB-55 (Sub-No. 665X), *CSX Transportation, Inc.—  
Abandonment Exemption—in Harlan and Letcher Counties, KY*

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U.S. Department of Interior  
March 27, 2006  
Page 2

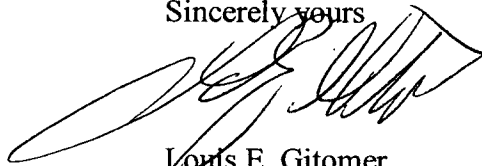
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Louis E. Gitomer  
Attorney for: CSX Transportation, Inc.

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LOUIS E. GITOMER  
Of COUNSEL  
(202) 466-6532

[lgitomer@dc.bjllp.com](mailto:lgitomer@dc.bjllp.com)

March 27, 2006

U.S. Department of Agriculture  
Chief of the Forest Service  
4th Floor N.W., Yates Building  
14th Street and Independence Avenue, S.W.  
Washington, DC 20250

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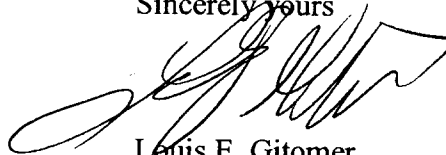
U.S. Department of Agriculture  
March 27, 2006  
Page 2

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Sincerely yours

A handwritten signature in black ink, appearing to read 'L. Gitomer', with a large, stylized flourish extending from the bottom left.

Louis E. Gitomer  
Attorney for: CSX Transportation, Inc.

Enclosures

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March 27, 2006

Public Service Commission of Kentucky  
211 Sower Boulevard  
Frankfort, KY 40601

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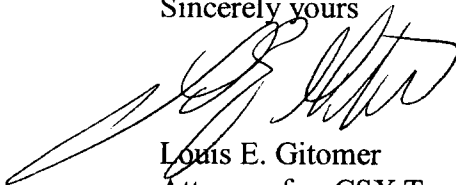
Public Service Commission of Kentucky  
March 27, 2006  
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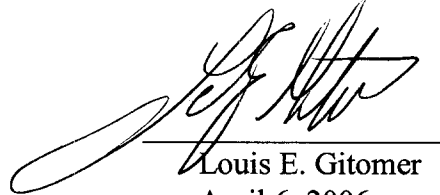
A handwritten signature in black ink, appearing to read 'Louis E. Gitomer', is written over the typed name.

Louis E. Gitomer  
Attorney for: CSX Transportation, Inc.

Enclosures

### **CERTIFICATE OF PUBLICATION**

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 665X) was advertised on April 6, 2006 in the Lexington Herald-Leader, a newspaper of general circulation in Harland and Letcher Counties, KY, as required by 49 C.F.R. § 1105.12.



---

Louis E. Gitomer  
April 6, 2006

**EXHIBIT D**



**ENVIRONMENTAL REPORT  
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-55 (Sub-No. 665X) was mailed via first class mail on March 1, 2006 to the following parties:

Mr. Joseph Grieshop  
Harlan County Judge Executive  
Harlan County Planning Department  
PO Box 956  
Harlan, KY 40831

Mr. Carroll Smith  
Letcher County Judge Executive  
Letcher County Court House  
156 Main Street – Suite 107  
Whitesburg, KY 41858

Mr. Carl Hatfield, Mayor  
City of Cumberland  
402 West Main  
Cumberland, KY 40823

United States Environmental Protection Agency – Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303-31046

Kentucky Department of Environmental Protection  
14 Reilly Road  
Frankfort, KY 40601

U.S. Fish & Wildlife Commission  
446 Neal Street  
Cookeville, TN 38501

U.S. Army Corps of Engineers  
Louisville District  
PO Box 59  
Louisville, KY 40201-0059

USDA – NRCS  
Harlan service Center  
167 Belkway Drive  
Harlan, KY 40831-2211

Kentucky State Clearinghouse  
700 Capitol Avenue  
Suite 100  
Frankfort, KY 40601

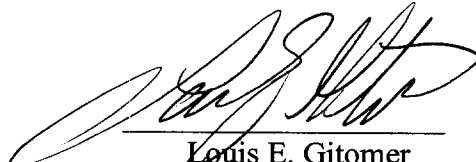
Mr. Timothy Sturgill  
Railtrail Development Office  
Department of Local Government  
1024 Capital Center Drive, Suite 340  
Frankfort, KY 40601-8204

Mr. Carey Tichenor  
Trails Coordinator  
Kentucky Department of Parks  
10<sup>th</sup> Floor CPT  
500 Metro Street  
Frankfort, KY 40601

Office of Intermodal Programs  
125 Holmes Street – 3<sup>rd</sup> Floor  
Frankfort, KY 40601

National Park Service  
Southeast Region  
Attn: Regional Director  
100 Alabama Street, SW  
1924 Building  
Atlanta, GA 30303

Mr. Richard Snay  
DOC/NOAA  
National Geodetic Survey N/NGS23  
1315 East West Highway Station 8736  
Silver Spring, MD 20910-3282

  
\_\_\_\_\_  
Louis E. Gitomer  
April 6, 2006

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## ENVIRONMENTAL REPORT

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**CSX TRANSPORTATION, INC.**

**DOCKET AB-55 (SUB-NO. 665X)**

The following information is provided in accordance with 49 C.F.R. Section 1105.7:

### **(1) PROPOSED ACTION AND ALTERNATIVES**

**Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.**

CSXT proposes to abandon approximately 12.99 miles of its rail operation between from Railroad Milepost OWC 261.1 (near Cumberland) to Railroad Milepost OWC 262.3 and Railroad Milepost OWD 262.21 to Railroad Milepost OWD 274 (near Scotia), Harlan and Letcher Counties, Kentucky.

The above referenced 12.99 mile line has not generated any originating or terminating traffic in over ten years. This former coal line has the potential to become a post-abandonment sale or lease to a local coal company.

If CSXT cannot negotiate a sale or lease of the proposed line segment, then abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast. CSXT does not intend to disturb any sub grade or sub grade structures. Finally, the operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps which delineate the proposed project are attached. (See Attachments 1 and 2.)

A distribution list of all parties that have been copied on the proposed transaction has also been enclosed. (See Attachment 3.)

**(2) TRANSPORTATION SYSTEM**

**Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.**

There is no CSXT passenger or freight traffic on this line. There will be no effect on existing regional or local transportation systems or patterns.

**(3) LAND USE**

- (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.**

Applicant has not received a response to its inquiries dated February 14, 2006 to Mr. Joseph Grieshop of the Harlan County Planning Department, Mr. Carroll Smith of the Letcher County Planning Department or Mr. Carl Hatfield of the City of Cumberland Planning Department seeking information regarding this statement. (See Attachments 4, 5 and 6.)

Based on the fact that the line has not generated any traffic in over ten years, Applicant believes the proposed action is not inconsistent with local land use plans.

- (ii) Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.**

Applicant received a response dated March 2, 2006 from the U. S. Department of Agriculture, Natural Resources Conservation Service in Harlan, Kentucky, stating *"There are no wetlands, prime, unique, or farmland of statewide importance located at the designated areas. The areas will need to be seeded and mulched immediately after work is completed to reduce erosion."* (See Attachment 7.)

- (iii) **If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9.**

The state of Kentucky does not have a coastal zone management office.

- (iv) **If the proposed action is an abandonment, state whether or not the right of way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.**

The properties, proposed to be abandoned, may be suitable for other public purposes, but may be subject to reversionary interests that may affect the transfer of title for other than rail purposes.

#### **(4) ENERGY**

- (i) **Describe the effect of the proposed action on transportation of energy resources.**

The proposed action will have no effect on the transportation of energy resources.

- (ii) **Describe the effect of the proposed action on recyclable commodities.**

The proposed action will have no effect on the movement and/or recovery of recyclable commodities.

- (iii) **State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

The proposed action will not result in an increase or decrease in overall energy efficiency.

- (iv) **If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.**

There will be no diversion of rail traffic to motor carriage in excess of the above thresholds.

**(5) AIR**

- (i) If the proposed action will result in either: (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The above thresholds will not be exceeded.

- (ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act; and will it result in either: (A) an increase in rail traffic of a least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or (B) an increase in rail yard activity of a least 20% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

The above thresholds will not be exceeded.

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity, the frequency of service; safety practices (including any speed restriction); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable.

**(6) NOISE**

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more, or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

The above thresholds will not be exceeded.

**(7) SAFETY**

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

Applicant believes that the abandonment will result in an improvement to public health and safety by the elimination of thirty nine (39) road crossings.

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

Not applicable.

- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right of way, identify the location of those sites and the types of hazardous materials involved.

Applicant's records do not indicate any hazardous waste sites or sites where there have been hazardous material spills on this line segment.

**(8) BIOLOGICAL RESOURCES**

- (i) Based on consultation with the U. S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

Applicant has not received a response to its inquiry dated February 14, 2006, to the U. S. Department of the Interior, Fish and Wildlife Service in Cookeville, Tennessee, seeking information regarding this statement. (See Attachment 8.)

Based upon Applicant's intention to remove only the track material and the upper layer of ballast, we do not believe that any federally endangered or threatened species will be negatively affected or critical habitats modified if the line is abandoned.

- (ii) **State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.**

The line segment enters and runs parallel to the northwest boundary of the Jefferson National Forest in Letcher County, Kentucky.

Since Applicant proposes only the simple removal of track material, no adverse impact is anticipated on the Jefferson National Forest. Applicant will make every reasonable effort to minimize impact to the forest during salvage activities.

**(9) WATER**

- (i) **Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.**

Applicant has not received a response to its inquiry dated February 14, 2006, to the Kentucky Department of Environmental Protection in Frankfort, Kentucky, requesting information regarding this statement. (See Attachment 9.)

Applicant does not contemplate any action known to be inconsistent with federal, state and/or local water quality standards. Any necessary permits or applications will be obtained as well as compliance with conditions or procedures required by regulatory agencies.

- (ii) **Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.**

Applicant has not received a response to its inquiry dated February 14, 2006, to the U. S. Army Corps of Engineers in Louisville, Kentucky, requesting information regarding this statement. (See Attachment 10.)

Applicant is not aware of any designated wetlands or 100-year flood plains within the proposed project.



Upon receiving abandonment authority, removal of material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. We do not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Based upon this course of action, Applicant does not believe a permit under Section 404 of the Clean Water Act will be required.

- (iii) **State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U. S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).**

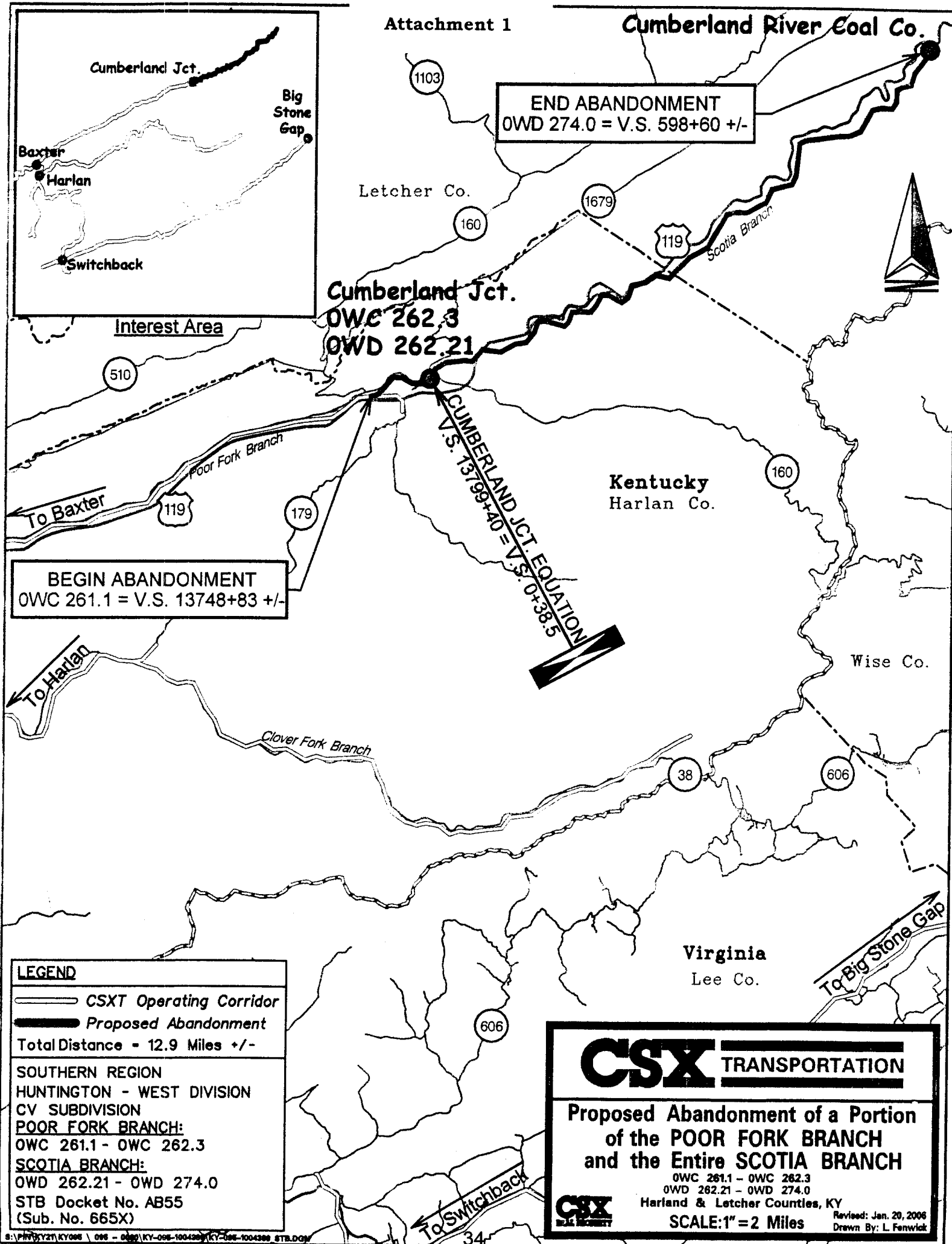
Applicant has not received a response to its inquiry dated February 14, 2006, to the U.S. Environmental Protection Agency, Region 4 in Atlanta, Georgia, requesting information regarding this statement. (See Attachment 11.)

Based upon the course of action described in Section 9 (ii), Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

## **10. MITIGATION**

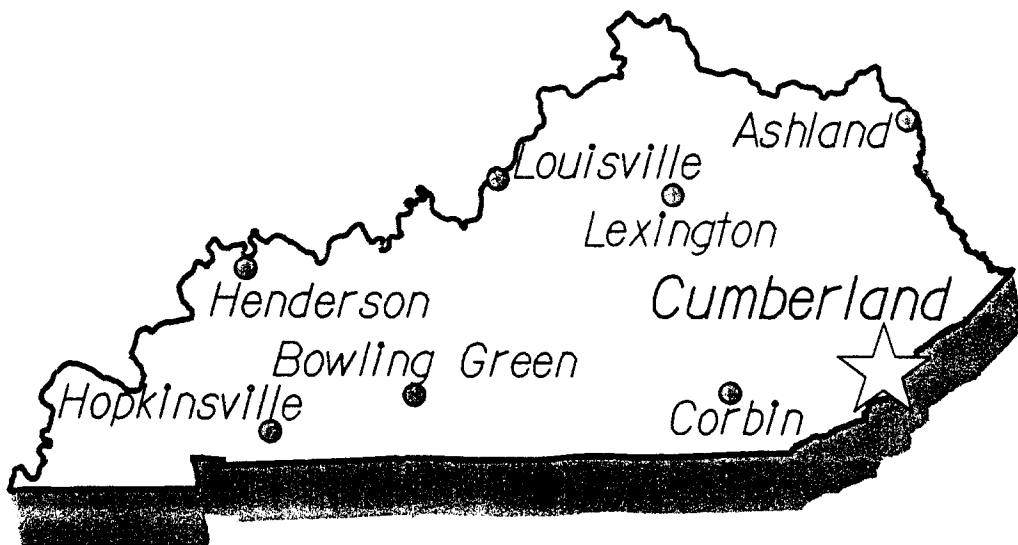
**Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.**

Applicant does not anticipate any adverse environmental impacts in the project area as a result of this abandonment, however, if mitigation is necessary, Applicant will comply with State and Federal regulations and obtain any necessary permits required.





Cumberland, KY



AREA MAP

Proposed Abandonment of 12.9 Miles +/-  
STB Docket No. AB 55 - Sub. No. 665X  
Harlan and Letcher Counties, Kentucky

### Attachment 3

#### CSX Proposed Abandonment (AB 55 Sub No. 665X) External Distribution List

Mr. Joseph Grieshop  
Harlan County Judge Executive  
Harlan County Planning Department  
PO Box 956  
Harlan, KY 40831

Mr. Carroll Smith  
Letcher County Judge Executive  
Letcher County Courthouse  
156 Main Street - Suite 107  
Whitesburg, KY 41858

Mr. Carl Hatfield, Mayor  
City of Cumberland  
402 West Main  
Cumberland, KY 40823

United States Environmental Protection  
Agency  
Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303-3104

Kentucky Department of Environmental  
Protection  
14 Reilly Road  
Frankfort, KY 40601

U.S. Department of the Interior  
Fish & Wildlife Service  
446 Neal Street  
Cookeville, TN 38501

U.S. Army Corps of Engineers  
Louisville District  
PO Box 59  
Louisville, KY 40201-0059

USDA - NRCS (Soil)  
Harlan Service Center  
167 Belkway Drive  
Harlan, KY 40831-2211

Kentucky State Clearinghouse  
700 Capitol Avenue  
Suite 100  
Frankfort, KY 40601

Mr. Timothy Sturgill  
Railtrail Development Office  
Department of Local Government  
1024 Capital Center Drive, Suite 340  
Frankfort, KY 40601-8204

Mr. Carey Tichenor  
Trails Coordinator  
Kentucky Department of Parks  
10<sup>th</sup> Floor CPT  
500 Metro Street  
Frankfort, KY 40601

Office of Intermodal Programs  
125 Holmes Street - 3<sup>rd</sup> Floor  
Frankfort, KY 40601

National Park Service  
Southeast Region  
Attn: Regional Director  
100 Alabama Street, SW  
1924 Building  
Atlanta, GA 30303

Mr. Richard Snay  
DOC/NOAA  
National Geodetic Survey N/NGS23  
1315 East West Highway Station 8736  
Silver Spring, MD 20910-3282

Attachment 4



Dave Geraci  
Manager - Network Rationalization

600 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 359-1086  
FAX: (904) 359-1111  
E-Mail: Dave\_Geraci@CSX.com

February 14, 2006

Mr. Joseph Grieshop  
County Judge Executive  
Harlan County Planning Department  
PO Box 956  
Harlan, KY 40831

Dear Mr. Grieshop:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Cumberland to the end of track near Scotia in Harlan and Letcher Counties, Kentucky as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(i) require that we develop a response to the following statement:

"Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies."

I would appreciate your advice as to the existence of a long-range comprehensive planning map for Harlan County and the line's relationship to such planning.

Enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Geraci", written over a horizontal line.

Attachment



P.O. BOX 956  
HARLAN, KENTUCKY 40831

JOSEPH A. GRIESHOP  
HARLAN COUNTY JUDGE EXECUTIVE

PHONE (606) 573-2600  
FAX (606) 573-3522  
TDD: 1-800-247-2510  
(FOR HEARING IMPAIRED)

March 23, 2006

Mr. Dave Geraci, Manager  
Network Rationalization  
CSX Transportation  
500 Water Street - J200  
Jacksonville, FL 32202

RE: Proposed abandonment of a portion of Clover Fork  
Branch, 12.5 miles, OWH 258.5 - OWH 271.06

Proposed abandonment of a portion of Poor Fork  
Branch and the entire Scotia Branch, 12.9 miles, OWC  
261.1 - OWC 262.3, OWD 262.21 - OWD 274.0

Dear Mr. Geraci:

Just a short note to let you know that Harlan County government is  
interested in the above mentioned railroad beds for the purpose of  
using them as a trail.

Sincerely,

Joseph A. Grieshop  
Harlan County Judge Executive

Attachment 5



Dave Geraci  
Manager - Network Rationalization

600 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 369-1088  
FAX: (904) 369-1111  
E-Mail: Dave\_Geraci@CSX.com

February 14, 2006

Mr. Carroll Smith  
Letcher County Judge Executive  
Letcher County Courthouse  
156 Main Street - Suite 107  
Whitesburg, KY 41858

Dear Mr. Smith:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Cumberland to the end of track near Scotia in Harlan and Letcher Counties, Kentucky as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(i) require that we develop a response to the following statement:

"Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies."

I would appreciate your advice as to the existence of a long-range comprehensive planning map for Letcher County and the line's relationship to such planning.

Enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Geraci", written over a horizontal line.

Attachment

Attachment 6



TRANSPORTATION  
Dave Geraci  
Manager - Network Rationalization

500 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 359-1088  
FAX: (904) 359-1111  
E-Mail: Dave\_Geraci@CSX.com

February 14, 2006

Mr. Carl Hatfield, Mayor  
City of Cumberland  
402 West Main  
Cumberland, KY 40823

Dear Mr. Hatfield:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Cumberland to the end of track near Scotia in Harlan and Letcher Counties, Kentucky as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(i) require that we develop a response to the following statement:

"Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies."

I would appreciate your advice as to the existence of a long-range comprehensive planning map for the City of Cumberland and the line's relationship to such planning.

Enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

A handwritten signature, likely of Dave Geraci, consisting of a stylized 'D' followed by a horizontal line.

Attachment





NRCS

Natural  
Resources  
Conservation  
Service

167 Belkway Drive  
Harlan, Kentucky 40831-1738

March 2, 2006

CSX Transportation  
Dave Gercia, Manager – Network Rationalization  
500 Water Street – J200  
Jacksonville, Florida 32202

Dear Mr. Gercia:

I have reviewed the areas of Harlan County on the map which you provided. The areas appear to have been previously disturbed.

There are no wetlands, prime, unique, or farmland of statewide importance located at the designated areas. The areas will need to be seeded and mulched immediately after work is completed to reduce erosion.

If you have any questions, please contact the local NRCS office at 606-573-2838.

Sincerely,

*by S. M.*

Jim D. Jones  
Acting District Conservationist

**United States Department of Agriculture****NRCS**Natural  
Resources  
Conservation  
Service167 Belkway Drive  
Harlan, Kentucky 40831-1738

March 13, 2006

CSX Transportation  
Dave Garcia, Manager – Network Rationalization  
500 Water Street – J200  
Jacksonville, Florida 32202

Dear Mr. Garcia:

I have reviewed the maps of the Cumberland area of Harlan County which you provided. The areas appear to have been previously disturbed.

There are no wetlands, prime, unique, or farmland of statewide importance located at the designated areas. The areas will need to be seeded and mulched immediately after work is completed to reduce erosion.

If you have any questions, please contact the local NRCS office at 606-573-2838.

Sincerely,

Jim D. Jones  
Acting District Conservationist

---

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

An Equal Opportunity Provider and Employer

Attachment 8



Dave Geraci  
Manager - Network Rationalization

500 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 359-1086  
FAX: (904) 358-1111  
E-Mail: Dave\_Geraci@CSX.com

February 14, 2006

U.S. Department of the Interior  
Fish & Wildlife Service  
446 Neal Street  
Cookeville, TN 38501

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Cumberland to the end of track near Scotia in Harlan and Letcher Counties, Kentucky as depicted on the attached map.

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) require that we develop responses to the following statements:

(i) Based on consultation with the U. S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. We do not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other materials from entering any watercourses.

Based upon the above described actions, we would appreciate your concurrence in CSXT's position that there would be no adverse impact to any federally-listed endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.

We would appreciate your comments; and, if you have any questions, please feel free to contact me.

Enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

A handwritten signature in dark ink, appearing to be "D. Geraci", written over a horizontal line.

Attachment



Dave Geraci  
Manager - Network Rationalization

500 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 369-1086  
FAX: (904) 369-1111  
E-Mail: Dave\_Geraci@CSX.com

February 14, 2006

Kentucky Department of Environmental Protection  
14 Reilly Road  
Frankfort, KY 40601

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Cumberland to the end of track near Scotia in Harlan and Letcher Counties, Kentucky as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that we develop a response to the following statements:

(i) "Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."

(iii) State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."

There are no refueling or maintenance areas within the project area. The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. We do not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, we would appreciate receiving your concurrence with CSXT's position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

Enclosed, please find a distribution list of all parties that have been copied of the proposed action. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to be "D. Geraci", written over a horizontal line.

Attachment

Attachment 10



TRANSPORTATION  
Dave Geraci

Manager - Network Rationalization

500 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 359-1086  
FAX: (904) 359-1111  
E-Mail: Dave\_Geraci@CSX.com

February 14, 2006

U.S. Army Corps of Engineers  
Louisville District  
PO Box 59  
Louisville, KY 40201-0059

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Cumberland to the end of track near Scotia in Harlan and Letcher Counties, Kentucky as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(9)(ii) require that we develop a response to the following statement:

"Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100 year flood plains will be affected. Describe the effects."

It is our opinion that there will be no impact on designated wetlands or 100-year flood plains because our intent at this time is to only remove CSXT's metal track material, crossties and perhaps the upper layer of ballast, and to preserve the existing routes of water flow and drainage. We do not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil, and we do not anticipate any dredging or use of fill in the removal of the track material. The track removal will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways.

Based upon the above described actions, we would appreciate your concurrence in CSXT's position that there would be no adverse impact on wetlands or 100-year flood plains, and that no permits under Section 404 will be required.

We would appreciate your comments; and, if you have any questions, please feel free to call me.

Enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

A handwritten signature in dark ink, appearing to be "D. Geraci".

Attachment



Dave Geraci  
Manager - Network Rationalization

500 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 359-1086  
FAX: (904) 359-1111  
E-Mail: Dave\_Geraci@CSX.com

February 14, 2006

United States Environmental Protection Agency  
Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303-3104

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Cumberland to the end of track near Scotia in Harlan and Letcher Counties, Kentucky as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that we develop a response to the following statements:

(i) "Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."

(iii) State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."

There are no refueling or maintenance areas within the project area. The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. We do not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, we would appreciate receiving your concurrence with CSXT's position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

Enclosed, please find a distribution list of all parties that have been copied of the proposed action. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Geraci", written over a horizontal line.

Attachment



Dave Geraci  
Project Manager -- Network Rationalization

500 Water Street -- J200  
Jacksonville, FL 32202  
Tel. (904) 359-1086  
Fax (904) 359-1111  
E-Mail: Dave\_Geraci@CSX.com

February 22, 2006

Mr. David L. Morgan  
Director -- Kentucky Heritage Council &  
State Historical Preservation Officer  
300 Washington Street  
Frankfort, KY 40601

RE: CSX Transportation, Inc.  
Proposed Line Abandonment  
Harlan and Letcher Counties, Kentucky  
Docket AB-55 (Sub-No. 665X)

Dear Mr. Morgan:

Please be advised that CSX Transportation, Inc., anticipates filing an abandonment for approximately 12.99 miles of its rail line between railroad milepost OWC 261.1 (near Cumberland) to railroad milepost OWC 262.3 and railroad milepost OWD 262.1 to the end of track at railroad milepost OWD 274 (near Scotia), Harlan and Letcher Counties, Kentucky, as shown in the attached historic report.

In connection with rail lines that are to become the subject of applications for authority to abandon, Federal Regulations at 49 CFR 1105.8(d), require that a Historic Report be submitted to the State Historical Preservation Officer prior to filing with the Surface Transportation Board. In accordance with those Regulations, I am attaching a Historic Report covering the above proposed abandonment.

I would appreciate receiving a letter confirming that this project will have no impact upon cultural resources from your office. If you have questions, please feel free to call me.

Sincerely,

**Attachments**

**Copy:**

Surface Transportation Board -- SEA, 1925 K Street NW - Suite 534, Washington, DC 20423-0001  
Mr. Lou Gitomer, Counsel, Ball Janik, LLP, 1455 F Street, NW, Suite 225, Washington, DC, 20005  
Mr. Steven Armbrust, Counsel, CSXT, 500 Water St.-J150, Jacksonville, FL 32202

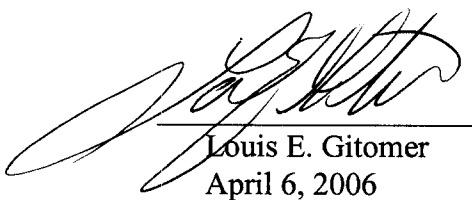
## **EXHIBIT E**



**HISTORIC REPORT  
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-55 (Sub-No. 665X) was mailed via first class mail on February 22, 2006, to the following parties:

Mr. David L. Morgan  
Director – Kentucky Heritage Council & State Historic Preservation Officer  
300 Washington Street  
Frankfort, KY 40601

  
\_\_\_\_\_  
Louis E. Gitomer  
April 6, 2006

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# HISTORIC REPORT

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**CSX TRANSPORTATION, INC.**  
**(Cumberland to Scotia, Harlan and Letcher Counties, Kentucky)**  
**STB Docket AB-55 (Sub No. 665X)**

1105.7(e)(1)

**PROPOSED ACTION AND ALTERNATIVES.** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable detailed map and drawings clearly delineating the project.

CSXT proposes to abandon approximately 12.99 miles of its rail operation between from Railroad Milepost 0WC 261.1 (near Cumberland) to Railroad Milepost 0WC 262.3 and Railroad Milepost 0WD 262.21 to Railroad Milepost 0WD 274 (near Scotia), Harlan and Letcher Counties, Kentucky.

The above referenced 12.99 mile line has not generated any originating or terminating traffic in over ten years. This former coal line has the potential to become a post-abandonment sale or lease to a local coal company.

If CSXT cannot negotiate a sale or lease of the proposed line segment, then abandonment of this line will result in the removal of the rail, crossies, and possibly the upper layer of ballast. CSXT does not intend to disturb any sub grade or sub grade structures. Finally, the operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps which delineate the proposed project are attached. (See Attachments 1 and 2.)

**1105.8(d)**

- (1) **A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.**

Attached is a copy of the Benham, Roxana and Whitesburg quadrangle topographic maps prepared by the U. S. Department of Interior Geological Survey. The line to be abandoned has been identified by a heavy black diagonal line. (See Attachments 3, 4, 5 and 6.)

There are no CSXT-owned structures that are 50 years old or older that are eligible for listing in the National Register that are part of the proposed action.

- (2) **A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristic of the surrounding area:**

The right of way on this line segment varies between approximately 30 and 100 feet from the centerline of track. The line segment runs through a mountainous and forested area and closely parallels the Poor Fork/Cumberland River. The line segment also enters and runs parallel to the northwest boundary of the Jefferson National Forest.

- (3) **Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:**

Not Applicable.

- (4) **The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known:**

Not Applicable.

- (5) **A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:**

This line segment was originally acquired by the Louisville and Nashville Railroad Company (L&N) between 1961 and 1962. The L&N was

incorporated under special act of Kentucky on March 5, 1850, under special act of Tennessee on December 4, 1851, and under special act of Virginia, on March 30, 1887.

In 1972 The Family Lines was adopted to identify the Louisville and Nashville Railroad and the Seaboard Coast Line Railroad. On November 1, 1980, Seaboard Coast Line Industries Inc. (which was formed in May, 1969) and Chessie System Inc. merged and became CSX Corporation. On January 1, 1983, the merger of The Family Lines' affiliates formed the Seaboard System Railroad Inc., which name was changed on July 1, 1986 to CSX Transportation, Inc.

Upon receiving abandonment authority, Applicant's operations and maintenance over this line will cease.

- (6) **A brief summary of documents in the carrier's possession, such as engineering drawings that might be useful in documenting a structure that is found to be historic:**

Not Applicable.

- (7) **An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):**

A review of our records indicates there are no CSXT-owned structures 50 years old or older on this line segment that may be eligible for listing in the National Register.

We do not know of any significance or uniqueness to this line segment that would warrant your consideration, since to our knowledge, it is not associated with any event that has made a contribution to the broad patterns of history; or was not associated with lives of persons significant to our past; does not embody the distinctive characteristics of a type, period or method of construction and does not represent a significant and distinguishable entity whose component may lack individual distinction and has not or may not be likely to yield information important in prehistory or history.

We do not know of any archeological resources or any other previously unknown historic properties in the project area.

- (8) **A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.**

The line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time versus during the proposed salvage operations associated with rail removal. Our records do not indicate that any swampy conditions exist, or that any hazardous material spills have occurred within the project area.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

STATE OF KENTUCKY  
AGRICULTURAL AND INDUSTRIAL LAND



4358 11 SE  
(TILFORD)

83°00'

37°00'

323 690 000 FEET (VA.)

324

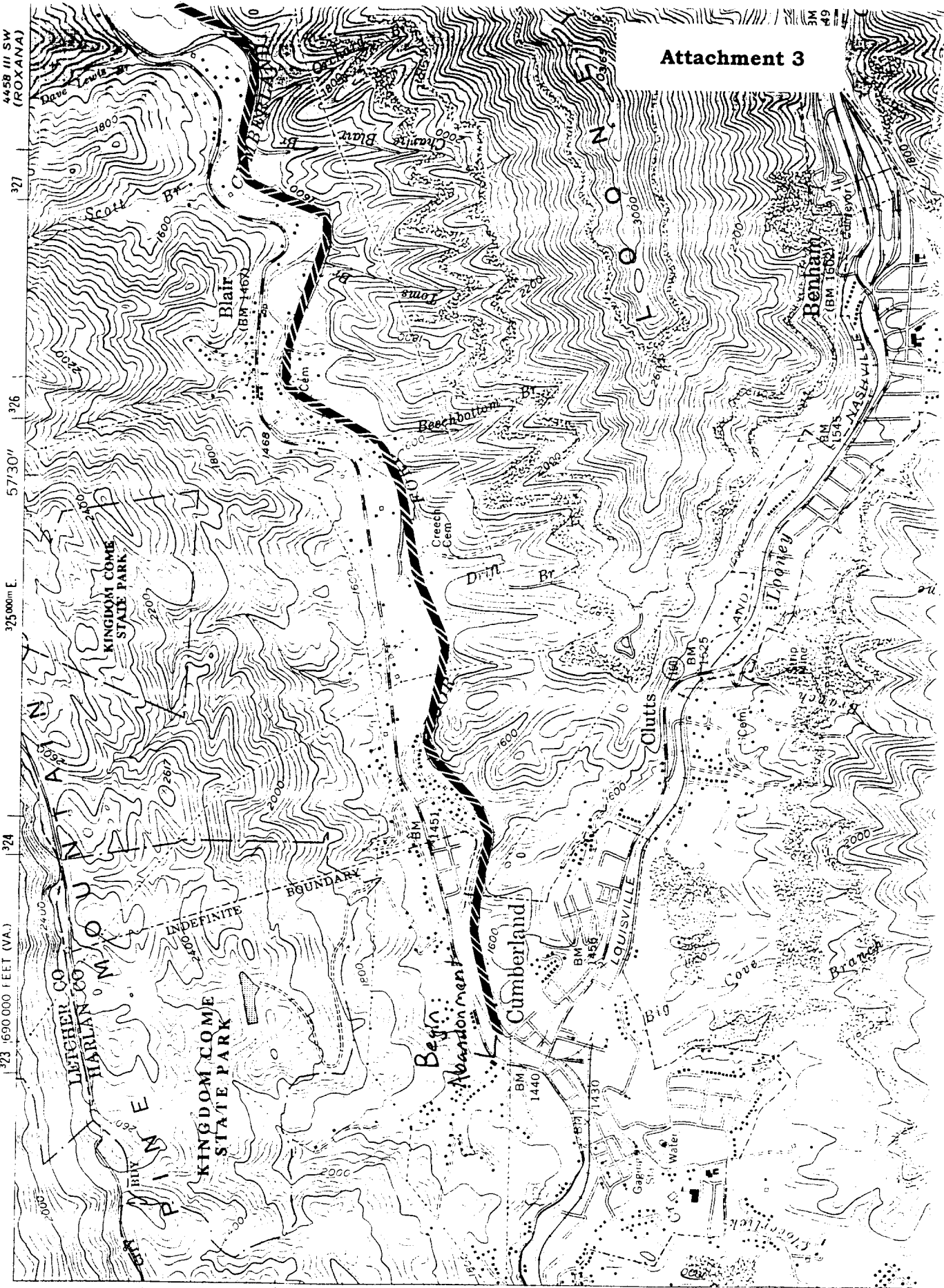
325 000 m E.

57°30"

326

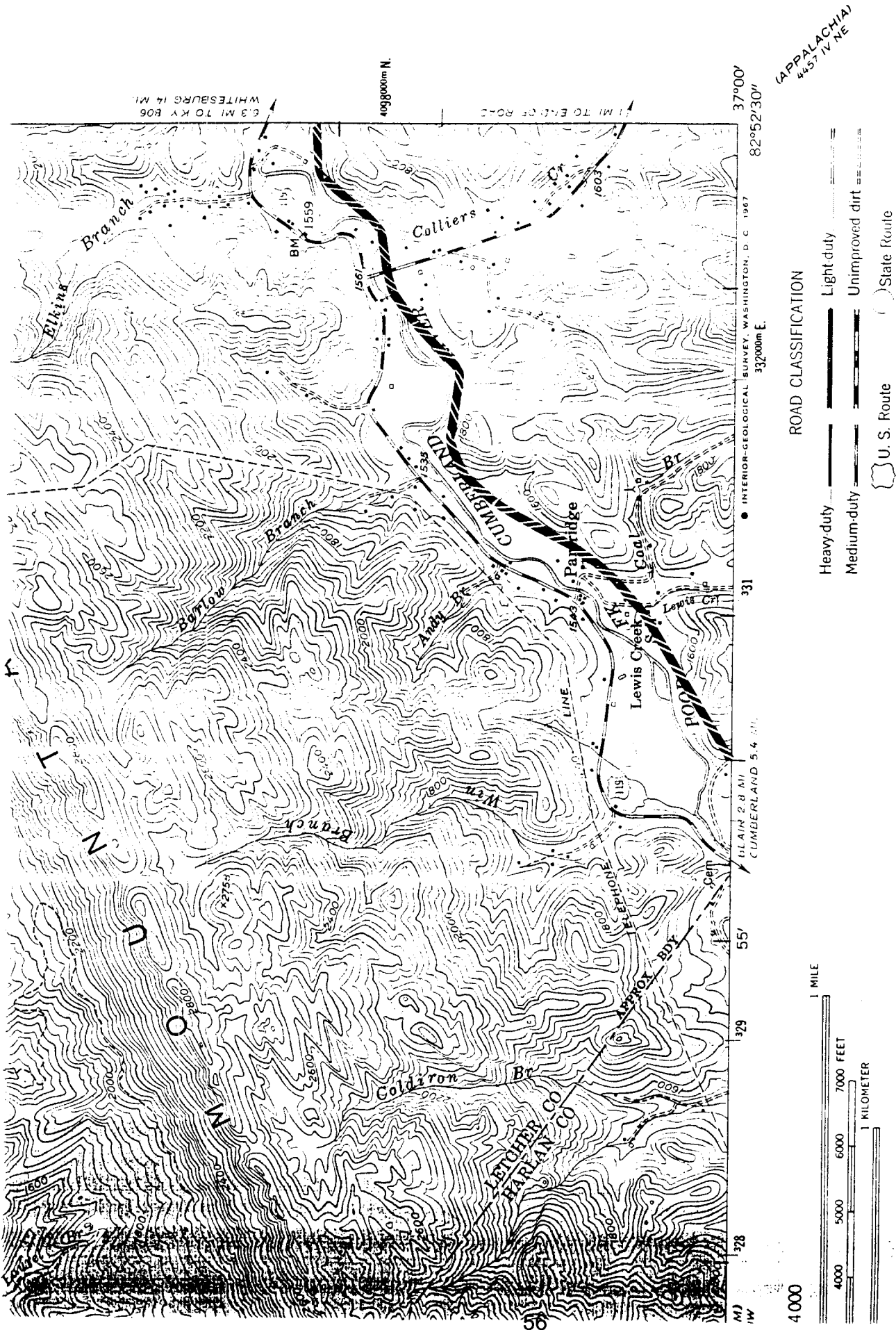
327

4458 11 SW  
(ROXANA)



Attachment 3





**ROXANA, KY.**  
SW 1/4 WHITESBURG 15' QUADRANGLE  
N 3700 - W 8252.5/7.5  
1954  
AMS 4458 III SW--SERIES V853



MAP ACCURACY STANDARDS  
RVEY, WASHINGTON, D. C. 20242,  
-EXINGTON, KENTUCKY 40506,  
ERCE, FRANKFORT, KENTUCKY 40601  
ND SYMBOLS IS AVAILABLE ON REQUEST



Attachment 6





COMMERCE CABINET  
KENTUCKY HERITAGE COUNCIL

Ernie Fletcher  
Governor

The State Historic Preservation Office  
300 Washington Street  
Frankfort, Kentucky 40601  
Phone (502) 564-7005  
Fax (502) 564-5820  
www.kentucky.gov

George Ward  
~~XXXXXXXXXX~~  
Secretary

David L. Morgan  
Executive Director and  
State Historic Preservation Officer

March 21, 2006

Mr. Dave Geraci  
Project Manager – Network Rationalization  
CSX Transportation  
500 Water Street – J200  
Jacksonville, Florida 32202

**Re: CSX Transportation, Inc., Docket AB-55 (Sub-No. 665X), Proposed Line Abandonment in Harlan and Letcher Counties, Kentucky**

Dear Mr. Geraci:

The State Historic Preservation Office has received a request for a determination of effect of the proposed line abandonment of 12.99 miles of rail line between railroad milepost 0WC 261.1 to 0WC 262.3 and railroad milepost 0WD 262.1 to the end of the track at railroad milepost 0WD 274. This line, which is located in Harlan and Letcher Counties, was constructed in the 1960s, and according to the historic report, there are no CSXT-owned structures that are 50 years or older along this line.

It is our determination that this proposed abandonment would not impact any known cultural resources. Therefore, in accordance with 36CFR Part 800.4(d) of the Advisory Council's revised regulations, our finding is that there is **No Effect on Historic Properties** for this undertaking. Should you have any questions about these comments, feel free to contact Janie-Rice Brother of my staff at (502) 564-7005, extension 121.

Sincerely,

David L. Morgan, Executive Director  
Kentucky Heritage Council and  
State Historic Preservation Officer